

AN ORDINANCE

**BY: COMMUNITY DEVELOPMENT AND HUMAN RESOURCES
COMMITTEE**

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO NEGOTIATE FOR AND PURCHASE FOR PRESERVING 1.87 +/- ACRES ("THE PROPERTY") ALONG MANTISSA STREET IN UNDERWOOD HILLS AS PASSIVE PARK LAND FOR AN AMOUNT NOT TO EXCEED \$195,000, INCLUDING CITY'S DUE DILIGENCE AND PURCHASE SERVICES, TO BE PAID FROM FUND, ACCOUNT, CENTER NUMBER 1C28 (IMPACT FEE) 571001 (LAND) N12P06129989 (GREEN SPACE PARK NORTH) AND FROM FUND, ACCOUNT, CENTER NUMBER 1C45 (2001 QUALITY OF LIFE) 574001 (FACILITIES OTHER THAN BUILDINGS) Y63F064892BG (UNDERWOOD HILLS GREENSPACE ENHANCEMENTS) AND FOR OTHER PURPOSES.

WHEREAS, The Conservation Fund ("TCF") has on behalf of the City of Atlanta ("City") purchased 1.87 +/- acres along Mantissa Street ("the Property") on June 2, 2005 (See Exhibit "A"); and

WHEREAS, TCF had agreed to assist in the acquisition and preservation of the Property by working with the City's Department of Parks, Recreation of Cultural Affairs and the City's Department of Planning and Community Development; and

WHEREAS, TCF is a non-profit, 501(c)(3) organization, whose business is to negotiate property donations on behalf of public agencies or to purchase properties, providing tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties; and

WHEREAS, the Peachtree Woodall Whetstone Watershed Alliance ("PWWWA") has raised \$45,500 to be paid to TCF as partial payment for the Property; and

WHEREAS, TCF has acquired the Property at a price less than Fair Market Value and has agreed to sell the Property to the City of Atlanta for a sum equal to forty percent (40%) of the total of the appraised Fair Market Value ("FMV") plus TCF's due diligence, overhead and closing costs ("TCF's Due Diligence and Purchase Services"), and any additional due diligence and closing costs incurred by the City ("City's Due Diligence and Purchase Services"), plus \$24,000 to be paid from Quality of Life Bond Funds Underwood Hills Greenspace Enhancements, the total not to exceed \$195,000; and

WHEREAS, purchasing the City Property is consistent with the City's goal of greenspace acquisition and preservation; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: The Mayor or her designee, on behalf of the City, is hereby authorized to negotiate with TCF to purchase real property known as the Property, at a purchase price no greater than forty percent (40%) of FMV plus forty percent (40%) TCF's Due Diligence and Purchase Services plus forty percent (40%) of the City's Due Diligence and Purchase Services plus \$24,000 to be paid from Fund, Account, Center Number 1C45 (2001 Quality of Life) 574001 (Facilities Other than Buildings) Y63F064892BG (Underwood Hills Greenspace Enhancements) as specified in Section 2 of this agreement ("Total City Property Acquisition Costs.")

SECTION 2: TCF's Due Diligence and Purchase Services includes TCF's costs of obtaining a survey, environmental assessments, title reports, title insurance, appraisal, staff costs, and all closing costs. The City's Due Diligence and Purchase Services include the City's costs of obtaining a review appraisal, real estate service fees, title insurance, all closing costs and other related due diligence costs.

SECTION 3: The Mayor or her designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Property. In addition, the Mayor or her designee is authorized to obtain and pay for those items and services necessary to purchase the Property, including but not limited to title insurance, real estate service fees and other closing costs.

SECTION 4: Total Property Acquisition Costs minus the \$24,000 to be paid from Quality of Life Bonds shall be paid from Fund, Account, Center Number 1C28 (Impact Fee) 571001 (Land) N12P06129989 (Green Space Park North) in an amount not to exceed \$171,000. Should the actual Total City Property Acquisition Costs be less than \$195,000.00, the residual amount shall be returned to the Fund, Account, Center Number 1C28 (Impact Fee) 571001 (Land) N12P06129989 (Green Space North.)

SECTION 5: Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Bureau of Parks, is hereby charged with all responsibility for the Property and that the deed shall provide that such property shall remain permanently preserved as greenspace with passive recreation for the benefit of the public.

SECTION 7: The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived to allow the purchase of the Property on behalf of the City without further authorization by the City Council.

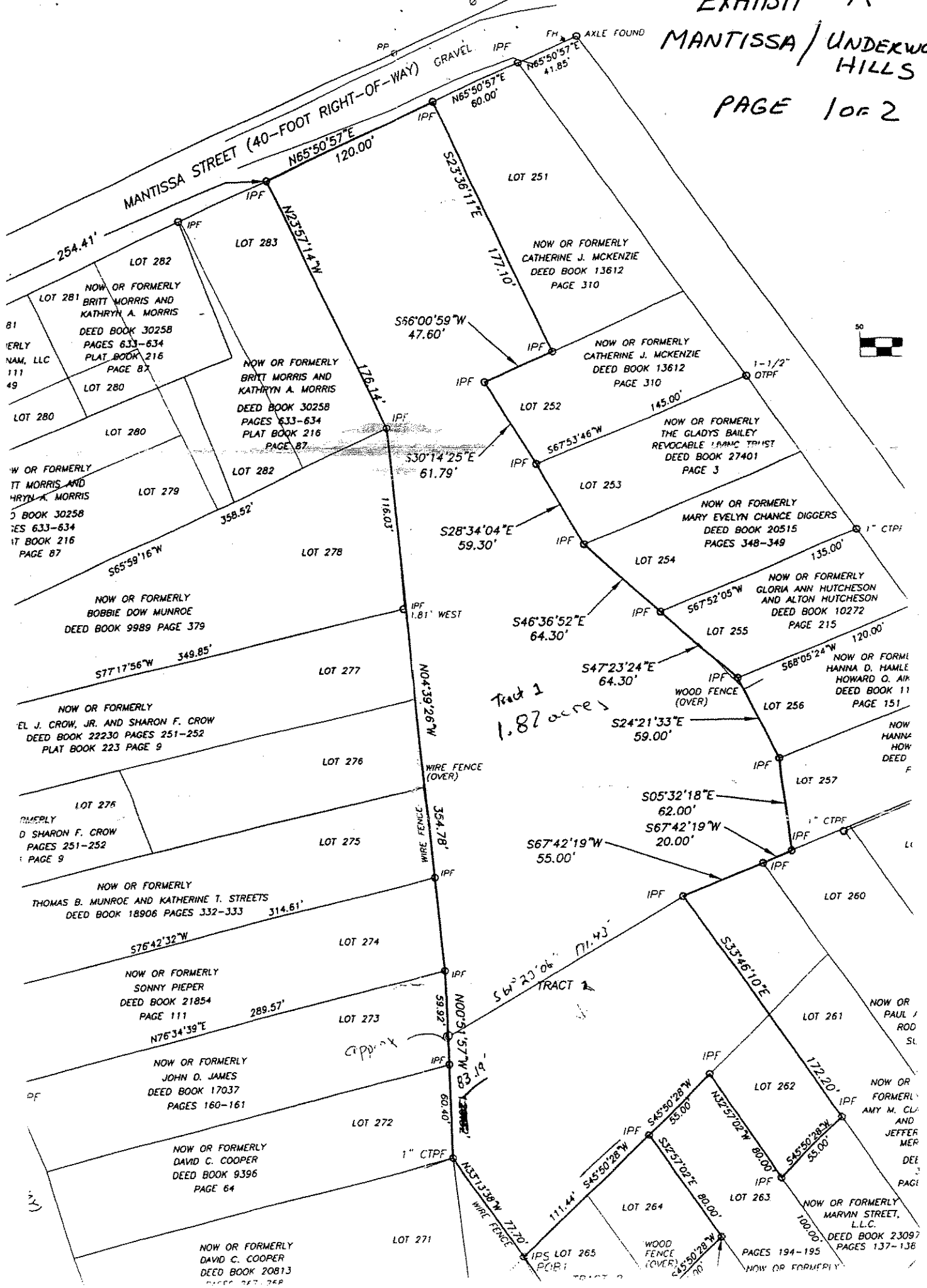
SECTION 8: The City's Greenspace Acquisition Consultant, US Infrastructure, Inc. ("the Consultant") is authorized to settle the acquisition of The Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

SECTION 9: The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the law Department deems to be necessary or advisable in order to carry into effect the intent of this ordinance.

SECTION 10: The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry into effect the intent of this ordinance, said documents to be approved as to form by the City Attorney.

SECTION 11: Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been signed by the Mayor.

SECTION 12: All ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of the Ordinance only, and only to the extent of the conflict.



NTEC LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 186 of the 17th District, City of Atlanta, Fulton County, Georgia, being part of the "PARK" tract of North Side Park as recorded in Plat Book 2 Pages 194 and 195, Fulton County, Georgia Records and being more particularly described as follows:

Commencing at an ½-inch rebar iron pin found at the intersection of the northerly right-of-way line of Harper Street (50-Foot Right-of-Way) and the northwesterly right-of-way line of Woodland Hills Avenue (50-Foot Right-of-Way); Thence proceed along said northwesterly right-of-way line of Woodland Hills Avenue North 45 degrees 20 minutes 29 seconds East for a distance of 63.20 feet to an 1-inch crimped top pipe iron pin found; THENCE leaving said right-of-way line, proceed North 33 degrees 13 minutes 38 seconds West for a distance of 178.11 feet to an ½-inch rebar iron pin found; THENCE proceed North 33 degrees 13 minutes 38 seconds West for a distance of 77.70 feet to an 1-inch crimped top pipe iron pin found; THENCE proceed North 00 degrees 51 minutes 57 seconds West for a distance of 83.19 feet to a point, said point being the TRUE POINT OF BEGINNING.

From the TRUE POINT OF BEGINNING, as thus described, proceed North 00 degrees 51 minutes 57 seconds West for a distance of 37.13 feet to an ½-inch rebar iron pin found; THENCE proceed North 04 degrees 39 minutes 26 seconds West for a distance of 354.78 feet to an ½-inch rebar iron pin found; THENCE proceed North 23 degrees 57 minutes 14 seconds West for a distance of 176.14 feet to an ½-inch rebar iron pin found on the southerly right-of-way line of Mantissa Street (40-Foot Right-of-Way); THENCE proceed along said southerly right-of-way line North 65 degrees 50 minutes 57 seconds East for a distance of 120.00 feet to an ½-inch rebar iron pin found; THENCE, leaving said southerly right-of-way line, proceed South 23 degrees 36 minutes 11 seconds East for a distance of 177.10 feet to an ½-inch rebar iron pin found; THENCE proceed South 66 degrees 00 minutes 59 seconds West for a distance of 47.60 feet to an ½" rebar iron pin found; THENCE proceed South 30 degrees 14 minutes 25 seconds East for a distance of 61.79 feet to an ½" rebar iron pin found; THENCE proceed South 28 degrees 34 minutes 04 seconds East for a distance of 59.30 feet to an ½" rebar iron pin found; THENCE proceed South 46 degrees 36 minutes 52 seconds East for a distance of 64.30 feet to an ½" rebar iron pin found; THENCE proceed South 47 degrees 23 minutes 24 seconds East for a distance of 64.30 feet to an ½" rebar iron pin found; THENCE proceed South 24 degrees 21 minutes 33 seconds East for a distance of 59.00 feet to an ½" rebar iron pin found; THENCE proceed South 05 degrees 32 minutes 18 seconds East for a distance of 62.00 feet to an ½" rebar iron pin found; THENCE proceed South 67 degrees 42 minutes 19 seconds West for a distance of 20.00 feet to an ½" rebar iron pin found; THENCE proceed South 67 degrees 42 minutes 19 seconds West for a distance of 55.00 feet to an ½" rebar iron pin found; THENCE proceed South 61 degrees 23 minutes 06 seconds West for a distance of 171.43 feet to a point, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 81,456 square feet or 1.870 acres, more or less.

Legislative White Paper

Committee of Purview: Community Development/Human Resources Committee

Caption:

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE, ON BEHALF OF THE CITY, TO NEGOTIATE FOR AND PURCHASE FOR PRESERVING 1.87 +/- ACRES ("THE PROPERTY") ALONG MANTISSA STREET IN UNDERWOOD HILLS AS PASSIVE PARK LAND FOR AN AMOUNT NOT TO EXCEED \$195,000, INCLUDING CITY'S DUE DILIGENCE AND PURCHASE SERVICES, TO BE PAID FROM FUND, ACCOUNT, CENTER NUMBER 1C28 (IMPACT FEE) 571001 (LAND) N12P06129989 (GREEN SPACE PARK NORTH) AND FROM FUND, ACCOUNT, CENTER NUMBER 1C45 (2001 QUALITY OF LIFE) 574001 (FACILITIES OTHER THAN BUILDINGS) Y63F064892BG (UNDERWOOD HILLS GREENSPACE ENHANCEMENTS) AND FOR OTHER PURPOSES.

Council Meeting Date(s): September 6, 2005 and September 19, 2005

Legislation Title: Ordinance

Requesting Dept.: Parks, Recreation and Cultural Affairs

Justification Statement:

The Conservation Fund (TCF) on behalf of the City of Atlanta purchased 1.87+/- acres along Mantissa Street on June 2, 2005 and has agreed to assist with the land acquisition and preservation of the purchased property by working directly with the Department of Parks, Recreation and Cultural Affairs, Bureau of Parks and the Department of Planning and Community Development. TCF is a non-profit, 501(c)(3) organization, whose business is to negotiate property donations on behalf of Public Agencies or to purchase properties, providing tax incentives to property owners, and hold such properties in trust until the public agency has the funds to purchase the properties.

In this situation the Peachtree Woodall Whetstone Watershed Alliance has raised \$45,500.00 to be paid to the TCF as partial payment for the property cited above. The TCF acquired said property at a price which is less than Fair Market Value and will sell the property to the City of Atlanta for a sum equal to 40% of the total of the appraised Fair Market Value plus the TCF's due diligence, overhead and closing costs and any additional due diligence and closing costs incurred by the City, plus \$24,000.00 to be paid from Quality of Life Bond Funds Underwood Hills Green Space Enhancements, the total not to exceed \$195,000.00.

The purchase of the City property is consistent with the City of Atlanta's goal of Green Space Acquisition and Preservation.

Fund Account Center: 1C28 (Impact Fee) 571001 (Land) N12P06129989 (Green Space Park North) and 1C45 (2001 Quality of Life) 574001 (Facilities Other than Buildings) Y63F064892BG (Underwood Hills Green Space Enhancements)

Approvals:

DOF: Chuck Meadows and Linda Goodman

DOL: Sangetha Rao

Prepared By: Sangetha Rao, Law Department- Ordinance. Debra F. Harris, M.A., DPRCA,
Transmittal Form for Legislation; Legislative White Paper and Blue Back.

Contact Number: Debra F. Harris, M.A., Departmental Contracting Officer- DPRCA,
404-817-6795. Sangetha Rao, Law Department 404-330-6400.